

FILED

JAN 27 2012

PATRICK E. DUFFY, CLERK
By **DEPUTY CLERK, BUTTE**

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

HEATHER ERIN WYLIE,

Petitioner,

vs.

WARDEN JO ACTON; ATTORNEY
GENERAL OF THE STATE OF
MONTANA,

Respondents.

No. CV 11-67-BU-SEH

ORDER

On December 28, 2011, United States Magistrate Judge Keith Strong entered Findings and Recommendation¹ in this matter. Petitioner did not file objections. No review is required of proposed findings and recommendations to which no objection is made. Thomas v. Arn, 474 U.S. 140, 149-152 (1986).

¹ Docket No. 6.


However, this Court will review Judge Strong's Findings and Recommendation for clear error.

Upon review, I find no clear error in Judge Strong's Findings and Recommendation and adopt them in full.

ORDERED:

1. The Petition for Writ of Habeas Corpus² is DISMISSED WITHOUT PREJUDICE for failing to exhaust all state remedies.
2. The Clerk of Court is directed to enter a judgment in favor of Respondents and against Petitioner.
3. A certificate of appealability is DENIED. Any appeal would be taken in bad faith as all state remedies have not been exhausted.

DATED this 27th day of January, 2012.


SAM E. HADDON
United States District Judge

² Docket No. 1.